CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LANDS AND ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM, GEORGIA

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS
SECOND SESSION

ON

S. 705

A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN NATIONAL FOREST SYSTEM LANDS, AND FOR OTHER PURPOSES

S. 2569

A BILL TO DECLARE CERTAIN LANDS IN THE CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA, AS WILDERNESS, AND FOR OTHER PURPOSES

JUNE 24, 1982

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SYSTEM LANDS AND ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM, GEORGIA

THURSDAY, JUNE 24, 1982

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110, Dirksen Office Building, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop and Domenici.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. Good morning. The subcommittee this morning will hear testimony on S. 705 to authorize the Secretary of Agriculture to convey certain national forest system lands, and for other purposes; and S. 2569, to declare certain lands in the Cumberland Island National Seashore, Ga., as wilderness, and for other purposes.

Without objection I place copies of the bills in the hearing record.

Senators Domenici, Nunn, and Mattingly are expected to present testimony to the subcommittee on their respective bills. We will hear their testimony and then proceed to consideration of S. 705 and S. 2569.

I support the concepts within S. 705 as reported by the Committee on Agriculture, Nutrition, and Forestry. In Wyoming we have four national forests totally contained in the State and parts of five others. There are many tracts of forest lands that because of their size, shape, and location they may be impracticable to administer efficiently as units of the national forest system. We have many tracts of 10 acres or less that are in innocent trespass by private parties because of survey, titling, or land description areas. This bill, in my estimation, provides an equitable way for the Secretary of Agriculture to deal with these problems.

If passed it would certainly reduce the workload of this subcommittee in the consideration of a large number of private relief bills of this nature that we deal with each Congress.

This committee has received a sequential referral of S. 705 and we must report the legislation by July 2 or the committee is discharged. S. 705 is on the committee agenda and I request that the Department respond immediately to questions that the Members may have on this issue. Markup is tentatively scheduled for June 30.

S. 2569 is identical to section 2 of S. 1119 as passed by the House. It was introduced by Senators Mattingly and Nunn primarily to give us a vehicle to hold a hearing. S. 1119 is currently held at the Senate desk. This hearing will provide an opportunity for Congress to incorporate the administration's views on the Cumberland Island Wilderness proposal.

[The texts of the bills follow:]

97TH CONGRESS
1ST SESSION

S. 705

To authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12 (legislative day, FEBRUARY 16), 1981

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

---

A BILL

To authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized, when the Secretary determines it to be in the public interest—

(1) to sell or exchange, by quitclaim deed, all right, title and interest of the United States in and to National Forest System lands described in section 2; and

(2) to accept, as consideration for the lands sold or exchanged, other lands, interests in lands, or cash payment, or any combination of such forms of consideration, equal in value to the fair market value of the lands, including the mineral estate, sold or exchanged by the Secretary.

The Secretary shall insert in any such quitclaim deed such terms, covenants, conditions, and reservations as the Secretary deems necessary to ensure protection of the public interest, including protection of the scenic, wildlife and wilderness values of the National Forest System and provision for appropriate public access to and use of lands within the System.

SEC. 2. The National Forest System lands which may be sold or exchanged under this Act are those the sale or exchange of which is not practicable under any other authority of the Secretary and which are—

(1) parcels of forty acres or less which are interspersed with or adjacent to mineral patents, which are determined by the Secretary, because of location or size, not to be subject to efficient administration, and which have a fair market value, as determined by the Secretary through appraisal within one year before or after the date application for sale or exchange is made to the Secretary, of not more than $150,000;

(2) parcels of ten acres or less which are encroached upon by improvements occupied or used under claim or color of title by persons to whom no advance notice was given that the improvements encroached or would encroach upon such parcels, and who in good faith relied upon an erroneous Federal survey, title search or other land description indicating that there was not such encroachment; and

(3) road rights-of-way, reserved or acquired, which are substantially surrounded by lands not owned by the United States and which are no longer needed by the United States, subject to the first right of abutting landowners to acquire such rights-of-way.

SEC. 3. Any person to whom lands are conveyed pursuant to this Act shall bear all reasonable costs of administration, survey and appraisal incidental to such conveyance, as determined by the Secretary, except in those cases in which the Secretary determines that it would be consistent with the public interest to waive payment of such costs by such person. In the case of road rights-of-way conveyed pursuant to this Act, the person to whom the right-of-way is conveyed shall reimburse the United States for the value of any improvements to such right-of-way which may have been made by the United States.

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SEC. 4. Conveyance of any road rights-of-way under this Act shall not be construed as permitting any designation, maintenance, or use of such rights-of-way for road or other purposes except to the extent permitted by State or local law and under conditions imposed by such law.

SEC. 5. In carrying out the land exchanges authorized in this Act the Secretary is authorized to use the procedures of the Act entitled "An Act to facilitate exchanges of land under the Act of March 20, 1922 (42 Stat. 465), for use for public schools, and for other purposes", approved December 4, 1967 (Public Law 90–171; 81 Stat. 531).

SEC. 6. For purposes of this Act, the word "person" includes any State or any political subdivision or entity thereof.

SEC. 7. The Secretary shall issue regulations to carry out the provisions of this Act, including specification of—

(1) criteria which shall be used in making the determination as to what constitutes the public interest; and

(2) factors relating to location or size which shall be considered in connection with determining the lands to be sold or exchanged under clause (1) of section 2.

SEC. 8. Nothing in this Act shall authorize conveyance of Federal lands within the National Wilderness Preservation System.

97TH CONGRESS
2D SESSION

S. 2569

To declare certain lands in the Cumberland Island National Seashore, Georgia, as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 1982

Mr. MATTINGLY (for himself and Mr. NUNN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To declare certain lands in the Cumberland Island National Seashore, Georgia, as wilderness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in accordance with section 3(c) of the Wilderness Act (78 Stat. 890, 892; U.S.C. 1132(c)), certain lands in the Cumberland Island National Seashore, Georgia, which comprise about eight thousand eight hundred and forty acres, and which are depicted on the map entitled "Wilderness Plan, Cumberland Island National Seashore, Georgia", dated November 1981, and numbered 640–20038E, are hereby designated as wilderness and therefore, as components of the Na-

tional Wilderness Preservation System. Certain other lands in the seashore, which comprise about eleven thousand seven hundred and eighteen acres, and which are designated on such maps as "Potential Wilderness", are, effective upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, designated wilderness. Such notice shall be published with respect to any tract within such eleven-thousand-seven-hundred-and-eighteen-acre area after the Secretary has determined that such uses have ceased on that tract. The map and a description of the boundaries of the areas designated by this section as wilderness shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, and in the office of the superintendent of the Cumberland Island National Seashore.

(b) Within six months after the enactment of this Act, a map and a description of the boundaries of the Cumberland Island Wilderness shall be filed with the Energy and Natural Resources Committee of the United States Senate and with the Interior and Insular Affairs Committee of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such map and description may be made.

(c) The wilderness area designated by this section shall be known as the Cumberland Island Wilderness. Subject to valid existing rights, the wilderness area shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

Senator WALLOP. Now the first witnesses are Senator Nunn and Senator Mattingly from Georgia on their Cumberland Island bill. I welcome you both.

Would you begin please?

STATEMENT OF HON. SAM NUNN, A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator NUNN. Thank you. I am pleased to be here with Senator Mattingly supporting S. 2569 which is legislation that you alluded to introduced by Senator Mattingly and myself which will designate the majority of the Cumberland Island National Seashore as a wilderness area.

This legislation is identical to H.R. 4713, the original Cumberland wilderness legislation which was introduced by Congressman Bo Ginn of Georgia's First Congressional District which includes the unique natural resource of Cumberland Island. As you know, this legislation was subsequently incorporated by amendment to S. 1119, the Crater Lake National Park bill, and was passed by the House of Representatives on December 16 of last year.

My family and I camped on Cumberland Island during this past year's Easter weekend and I can personally attest to this Island's unique beauty. I have visited it many times, but this is my first camping experience there. Cumberland Island is the largest and southernmost of Georgia's barrier island system. On Cumberland's eastern edge are waves of the Atlantic Ocean, a majestic white sandy beach that stretches for 16 miles with both shifting and stable sand dunes, some of which rise to a height of over 50 feet.

West of and behind the dunes is the maritime forest of live oaks, pines, magnolias, hollys, palmettos, and spanish moss. Ribbons of tidal creeks cut through this deep forest and provide a home to waterfowl and alligators. West of the maritime forest is the salt marsh, and the Atlantic Intercoastal Waterway.

In 1972, Cumberland Island was established as a national seashore in order to preserve the scenic, scientific, and historical values of this unique land. Of the 36,878 acres within the national seashore area, the legislation which we are reviewing today would designate 8,840 acres as wilderness and an additional 11,718 acres as potential wilderness. This acreage comprises the mostly natural area of the northern half of Cumberland Island.

Passage of this legislation by the U.S. Senate will guarantee the availability of experiences found nowhere else in the world. This legislation will assure that people seeking a natural wilderness experience will have an opportunity to see representative examples of all the island's ecosystems under conditions almost identical to those discovered by the island's first inhabitants years ago.

At the same time, this legislation assures the availability of other examples of the same ecosystems to those people who are not seeking a wilderness experience by leaving the southern half of the island under nonwilderness management.

This bill represents the culmination of a long and deliberate effort by a great many people over a period of nearly 10 years to develop an appropriate wilderness plan for Cumberland Island. It represents the input of thousands of citizens, virtually all of the na-

tional conservation organizations, the National Park Service and the State of Georgia.

This work has been shepherded by my colleague in the House of Representatives, Congressman Bo Ginn. It started under Congressman Bill Stuckey many years ago, and by many individuals who will be appearing before you this morning.

It would be my hope, Mr. Chairman, that at the conclusion of this hearing, that you will be convinced of the soundness of this legislation and that you will allow the Senate to proceed with the consideration of S. 1119 so that these Georgians who have worked so diligently on this bill's success can see it enacted by the U.S. Senate while they are here in Washington.

I might add in closing, Mr. Chairman, that this island is not far from where my distinguished colleague, Senator Mattingly, lives, and he is very familiar with that whole area and so I'm proud to be here with him this morning. We both see eye to eye on this legislation, and I think all the Georgia congressional delegation sees it the same way as far as I know.

Senator WALLOP. Thank you.

STATEMENT OF HON. MACK MATTINGLY, A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator MATTINGLY. Thank you, Senator Nunn, for those kind words.

I would like to thank the chairman for the generous amount of time you have devoted to the Cumberland Island Wilderness legislation. I am especially appreciative of your scheduling of this hearing and your agreement to help expedite further action on this piece of legislation.

As you know, and as Senator Nunn said, I am from St. Simons Island, Georgia. This gives me a special interest in and familiarity with Georgia's Golden Isles. We are privileged that among these islands so much of Cumberland Island is preserved in its natural state.

We do have something unique off the coast of Georgia. It belongs to the entire country. The forests, tidal creeks, marshes, and beaches are beautiful beyond any words I can use here today to describe them.

Cumberland was recognized in 1955 by the National Park Service as one of the most outstanding natural areas remaining on the eastern seaboard. In 1972, Congress established the Cumberland Island National Seashore and provided that the overwhelming majority of the island should be "permanently preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing."

What we seek today is legislation that will guarantee the maximum protection for the wilderness areas of the island. As America grows and matures there will be just a few areas in my State where people may study and enjoy nature untouched by man. The addition of the northern end of Cumberland Island as a part of the National Wilderness Preservation System will make certain that

our children and grandchildren will be able to experience a barrier island in its natural state. It would be so easy for this to be lost if we do not act to protect Cumberland now.

The legislation before you today is the end result of more than 10 years of study. It was introduced by my colleague in the House, Congressman Bo Ginn, and is supported by the entire Georgia delegation. It also has the support of the administration, the State of Georgia, local officials, conservation organizations, and those few residents who retain rights on the island. All substantive issues have been resolved by these interested parties.

Again, I want to sincerely thank you, Mr. Chairman, for the time you and your staff have devoted to this legislation. I hope that you and the other members of the subcommittee may one day visit Cumberland Island and see the wonders you have helped preserve.

In addition, Mr. Chairman, I have a further statement that I would like to make on behalf of those few residents of Cumberland Island.

Mr. Chairman, by way of further statement for the record regarding this hearing on S. 2569 to designate portions of Cumberland Island, Ga., as wilderness, please be aware that as the Senate sponsor of this bill I am concerned that we treat those persons who continue to reside on the island in the most fair and equitable manner. Many of those persons and their relatives are the very ones who have made it possible to acquire and preserve this beautiful work of nature. Their previous and present occupation of this area has proven that they are genuinely concerned about protecting and preserving the delicate natural surroundings. Each of them has been very cooperative in assisting with the present request that the area be preserved for future generations through the designation as wilderness.

On the other hand, I want the record to reflect that it is my specific intent and understanding that these few persons will not be deprived by this action of exercising all of their retained rights and uses of the area which they enjoy at the present time. For instance, every residence remaining on the island is heated entirely by wood fireplaces with dead and fallen timber gathered by chainsaw and other nonmotorized methods. It is certainly not my intention as this bill's sponsor—nor do I believe it to be Senator Nunn's intent—that the passage of this legislation would force these few families to give up this existing use of the resources. This would constitute to my way of thinking an unconscionable penalty to be imposed on those very persons who have proven to be good stewards of the island, and who have helped so very much in our efforts.

Thank you for your assistance and consideration.

Senator WALLOP. I want to thank you both for accommodating me in the process by which we designate wilderness in the Congress.

Senator Mattingly, you've been persistent in your desire to get this moving. As you know, I as the subcommittee chairman, had a hold on the Senate bill for the simple reason that I just believe the designation of wilderness is a serious decision. You're going to make a perpetual designation and it shouldn't be taken lightly. And I just wanted to have, I suspected no controversy and none has

arisen, but I like to keep the process intact because I think it's important to all of us.

Your cooperation with me, and by way of introducing this bill I know was a little bit cumbersome, but we saw no way to get it back here and hold a hearing without it, and I very much appreciate both of you cooperating with me.

Senator NUNN. Mr. Chairman, I recognize the very valid consideration that you've had in terms of the jurisdiction, in terms of the substance. I think we've all agreed from the beginning, but I think it is important that these matters be treated seriously and we respect the rights of the chairman in the subcommittee and the committee, as well as the Senate in this respect, and we do completely understand your position. We have both wanted to expedite the legislation, and we want to do it consistent with the overall best interest of the Senate and the wilderness designation. So we respect that.

I do hope that we can expedite it at this point, if you find no objection during the hearing this morning, by moving the bill that is now pending on the Senate. That would be a great help.

Senator WALLOP. I have no intention of slowing anything down. In fact this was done on purpose to expedite it.

Senator MATTINGLY. We appreciate it very much, Mr. Chairman.

Senator WALLOP. Unless something totally unexpected arises between now and the last witness, I see no real impediment.

Senator NUNN. Cumberland is going to be a great natural spot for those who can't get to the Grand Tetons. [Laughter.]

We think it's the Grand Teton of Georgia for us.

Senator WALLOP. If it's as nice as you say, perhaps I'll go see it before we let the bill go.

Senator MATTINGLY. On second thought——

Senator WALLOP. Thank you very much.

Senator Domenici is not here at the moment and if he does arrive we will accommodate him, but in the meantime if we could have Assistant Secretary Crowell give us the Department of Agriculture's view on S. 705.

Good morning and welcome.

STATEMENT OF JOHN B. CROWELL, JR., ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY RICHARD HULL, FOREST SERVICE

Mr. CROWELL. Thank you, Mr. Chairman. It's good to be here this morning. Accompanying me is Mr. Richard Hull, the Director of Division of Lands for the Forest Service here in Washington, who I may call upon to answer some technical questions if any appear that I can't handle.

We are here this morning strongly to support enactment of the bill, S. 705. The bill has already been favorably considered by the Senate Agriculture, Nutrition, and Forestry Committee and has been reported with certain amendments, all of which we support, and most of which we had suggested.

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The remarks that I will be making will be directed toward the form of S. 705 as it was reported by the Agriculture Committee, rather than the original form of the bill.

The legislation deals with three types of tracts of land which occur in the national forest system. The first type we refer to as mineral fractions, and by that we are referring to the very odd shaped or bits and pieces or fractions of land which may be left in public ownership as a result of the patenting of mineral plans. Mineral plans can be of various sizes and shapes and can lie at different points of access to the north and south grid. And consequently the little bits and pieces that result, are virtually valueless from the standpoint of being managed for public purposes for the national forest.

So we frequently have opportunity to dispose of those lands and we have been very limited in the authority which exists under law to permit those disposals. So one of the purposes of this act would be to allow us to dispose rather readily of such fractions.

Another form of parcels which tend to be difficult to manage and create some real problems and aggravations with neighboring land owners are pieces where there have been encroachments, inadvertent encroachments, usually as the result of a faulty survey and most often a private survey, but sometimes as the result of a faulty land description which the current owner of the land has relied on in good faith, only to find that in fact the actual location of the tracts poses an encroachment.

This can be particularly troublesome when there has been an improvement placed on the land and the improvement ends up being on the national forest land.

The third kind of situation that we're dealing with in this legislation are rights-of-ways, usually for roads, which were reserved at one time or another, or excepted from deeds, most often homestead deeds, which were granted to homesteaders.

Very often these rights-of-way ended up being put on a map in an office and turn out in the field to be unutilizable. In other instances, even though they may be utilizable, we really have no need for them and consequently they too fall into the category of tracts that we can't effectively manage or utilize.

So being able to dispose of those readily would be beneficial both to the neighboring landowners and to the Government.

Now the way that the legislation would propose to deal with these three categories of parcels of land would be to authorize us to sell them outright, or to exchange, them or to exchange them with a specialized form of exchange which we have called an interchange.

The authority already exists for exchanges, but the authority is limited to rather formal requirements that have to be followed and which are expensive. Often these matters can be resolved with rather simple exchanges which can be readily agreed to with the neighboring landowner. The authority we are asking for with this interchange concept would make those exchanges possible, much more readily than our existing authority would. It can be done simply with little cost and with very little concern that either the private landowner or the Government may come out on the short end of the evaluation in such an instance.

We are proposing that the bill give to the Secretary of Agriculture the authority to define what an interchange would be, limited of course by the acreage and value limitations which are expressed in the bill.

I would close this summary of my statement, and I assume the printed statement will be in full in the record.

Senator WALLOP. By all means.

Mr. CROWELL. I ask that two corrections be made to the printed statement to clarify what otherwise might be confusing. On page 4 of my printed statement, the first sentence in the first full paragraph should read, "As we evaluated the conveyance process that would be required to implement the original bill's provision before amendment by the Senate Agriculture Committee, we found that the bill's advantages may be overshadowed" and so on.

The words that we proposed to be included there would indicate that we do approve of what the Senate Agriculture Committee has already done.

Similarly, if there could be inserted on page 5 of the statement, after the first full sentence appearing at the top of the page which ends with the reference to S. 705, the sentence which reads, "The interchange concept was adopted by the Senate Agriculture Committee during its consideration of the bill." I would appreciate having those corrections handled in the final version printed.

Senator WALLOP. By all means we'll do that.

Mr. CROWELL. With that I would close by reiterating that we strongly support the concept of the slightly enlarged authority for disposals that this bill would give to the Secretary of Agriculture and the Forest Service, for dealing with the types of land parcels which we have illustrated with these three charts.

Thank you very much.

Senator WALLOP. Thank you.

[The prepared statement of Mr. Crowell follows:]

STATEMENT OF JOHN B. CROWELL, JR., ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, we appreciate the opportunity to appear here today to present the Department of Agriculture's views on S. 705. The legislation would authorize the Secretary of Agriculture to convey certain parcels of National Forest System lands when it is determined to be in the public interest. We strongly urge prompt enactment of this legislation. The authority which it would provide would be of considerable value in improving the efficiency of management of the lands of the National Forest System. This bill is nearly identical to one which passed the Senate in December 1980.

Our comments are directed to the bill as favorably reported by the Agriculture Committee on April 19, 1982. Our report to the Chairman of that Committee recommended several amendments, which, with two exceptions, were incorporated into the bill. Subsequent discussions with the Committee removed our remaining concerns and thus we are in complete agreement with the current version of the bill.

The three types of tracts which could be conveyed under provisions of S. 705 include: (1) mineral fractions of 40 acres or less interspersed with or adjacent to mineral patents; (2) tracts of 10 acres or less encroached upon by adjoining landowners due to an erroneous survey, or incorrect title search or land description; and (3) road rights-of-way no longer needed by the United States. The bill limits the value of any tract which would be disposed of to $150,000 and would prohibit conveyance of any land within the National Wilderness Preservation System.

Conveyance could be by sale, exchange, or, in appropriate cases, by an expedited form of exchange we are calling "interchange" which I will explain in greater detail

later in my statement. Payment could be by cash, land, or interests inlands, and would be of equal or approximately equal value. The value of land would be determined by appraisal and could exclude the value of improvements made by persons other than the Government. The person acquiring the Federal land would generally pay the costs of conveyance including surveys and appraisals.

The lands which could be affected by the provisions of S. 705 are scattered throughout the National Forest System. They are typically isolated units having management problems which prevent them from being efficiently administered as part of the System. Problems frequently encountered include occupancy trespass, use as rights-of-way for access or utilities, and use (or sometimes inadvertent purported sale) by private developers or adjoining owners. Disposal of these lands would be in the interest of the United States.

The mineral fractions are residual Federal lands remaining after patenting of mining claims in the Western States. Because of the way the patenting took place, the Federal lands are of an infinite variety of sizes and shapes. Many of the patented lands are no longer used for their mineral values. They are often developed into vacation homesites or other more intensive lands uses. The adjacent residual Federal lands, or mineral fractions, have little utility as National Forest System lands, but could be sold to good advantage. We believe the 40-acre limit will allow us to resolve the mineral fraction problem.

Encroachment, also described as good faith trespass, occurs on National Forest System lands when improvements are constructed or are being used on a parcel of land acquired or being used in good faith by a private party which is later found to be located on Federal land. An encroachment can be caused by an erroneous property line survey or by an error in the title or land description. Such errors frequently happen when private lands adjoining the National Forests are subdivided and sold. Surveys which established the lot or subdivision may be found to be in error when the Federal land is surveyed or resurveyed and marked. We estimated a few years ago that there were 50,000 title claim cases involving National Forest System lands, a major portion of which are believed to be good faith occupancy due to a faulty private survey. These "overlaps" commonly involve less than 1 acre.

The road rights-of-way are narrow strips of Federal land or interests in land which cross nonfederal land. Many were created as exceptions to homesteads to provide access to the homesteaded area or assure access to the remaining public lands. Some were purchased by the Government in conjunction with the work of the Civilian Conservation Corps. Many have long since been abandoned or were never used for the intended purpose. The strip is often "unofficially" incorporated into the ajoining lands causing various types of occupancy trespass. Their average size is 2 acres. Most occur in the West, especially in Montana, Wyoming, Idaho, and Arizona.

The bill would supplement our current authorities, including the General Exchange Act of 1922, to convey National Forest System land. Administrative remedies for the problems associated with these lands, such as special use permits which are currently used to partially resolve such problems, do not provide a satisfactory long-term solution either to the adjoining landowner or the United States. Private relief legislation is an alternative, but because of the cost and time normally required to enact such legislation, it is not a practical or efficient way to resolve the large number of cases.

As we evaluated the conveyance process that would be required to implement the bill's provision before amendment by the Senate Agriculture Committee, we found that the bill's advantages may be overshadowed by the burdensome requirements for conveyance. Sale or exchange and their procedures are appropriate and necessary in most cases, particularly those involving several acres or tracts of high value. But how should we handle the cases of good faith trespass where an adjoining landowner has inadvertently built his house partially or wholly on Federal land and occupies perhaps a quarter of an acre? The formal exchange process would require considerable time and expense to both parties and could easily exceed the value of the property in question.

We see an opportunity to speed up the conveyance process in situations like this. It would involve use of an expedited exchange which we cail an interchange. As we envision it, interchange would be a special form of exchange but without the elaborate procedures associated with a formal exchange that are carried out under existing statutory authority.

An example of circumstances appropriate for interchange might involve the landowner whose house is occupying Federal land; he could agree with the Government to interchange titles to the occupied parcel of Federal land for a similar parcel of land, usually adjacent, which that person owns. Lands involved would normally be of equal size and approximately equal value. Such a simple transaction would clear

up the encroachment quickly and with minimal costs by avoiding the formal appraisal and processing procedures associated with exchanges. the landowners' expenses would be limited to the costs of survey, if any, and deed preparation and filing. Interchange would be a supplement to the more formal exchange process and would be applicable to some of the cases encompassed by S. 705. The interchange concept was adopted by the Senate Agriculture Committee during its consideration of the bill. Its use would be limited by the criteria and limitations set forth in the bill. We recognize that it is a substantive addition to the bill but we believe it would greatly improve our ability to handle conveyance of many small tracts.

Section 8 of the bill deals with a different aspects of land conveyances on the National Forest System. It would amend the Act of December 4, 1967, known as the Sisk Act. This law authorizes the Secretary of Agriculture, when negotiating a land exchange with a public school district under the General Exchange Act of 1922, to accept cash in lieu of land for a portion or all of the value of the selected Federal property. The amendment would broaden the provisions of the Act to include States, counties, and municipal governments. It would apply to all land exchanges with these government entities, not just those specific types listed in this bill. We concur with this broadening of the cash equalization provisions of the Sisk Act.

In summary, Mr. Chairman, we strongly support S. 705 as amended by the Agriculture Committee. It would be an important addition to our authorities to manage the lands of the National Forest System. It would help reduce costs of management and of land conveyances, disputes with adjoining landowners, and possible litigation.

That concludes my prepared statement. I would be happy to answer the Subcommittee's questions.

Senator WALLOP. Senator Domenici.

STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator DOMENICI. Thank you, Mr. Chairman.

I apologize, Mr. Chairman, for not being here sooner, and for my inability to stay very long. I have a hearing on the sixth floor, a subcommittee of our Energy Committee, on a major research and development issue, but I want to thank you for allowing this subcommittee to hold prompt hearings on this bill.

As you know, the bill was originally referred to the Senate Agriculture Committee and was favorably reported out of that committee.

I want you to know I also appreciate Chairman McClure's plan to mark this bill up at the June 30 business session of the full committee. I think it's imperative that we move ahead as soon as your subcommittee is satisfied that the bill is correct and that it will serve a good purpose.

I think S. 705, the Small Tracts Act, is definitely a bill that is needed by this Nation. Originally, I became interested in this problem because of what I thought was a small problem in the Lincoln National Forest in Otero County, N. Mex. It was only later that I found out that the problem I was trying to correct was widespread and existed in almost every State that had national forest land within its boundaries.

Currently, there are thousands and thousands of cases across the Nation that involve disputed boundaries between the U.S. Forest Service and adjacent property owners. In the past, I have used the figure "over 50,000 individual disputes." Recently, I have seen statements by Forest Service personnel that the figure now stands at over 60,000 cases.

Basically what S. 705 would allow is an administrative procedure at the local level whereby Forest Service officials and adjacent landowners could solve most of these disputes.

In essence, where the disputed land involves parcels of 10 acres or less, the adjacent property owner could trade for or purchase that parcel back from the Federal Government.

Currently, options open to those adjacent landowners include: a 10-year special use permit from the Forest Service, a lengthy court battle with the Federal Government, or a private relief bill from the Congress. I would remind the committee that in the great majority of cases we are talking about extremely small parcels.

In New Mexico, where I first came across this problem, I found that Government surveyors compounded the problem by conducting improper surveys and then leaving improperly placed survey markers which private surveyors relied upon in later property transfer cases.

What really makes this such a catch 22 situation is that thousands of titles to private property have been clouded and will continue to be clouded unless we pass this bill and give these landowners another alternative to the dilemma.

I would point out that these landowners in some cases have, as you well know, lived on this land for several generations and now all of a sudden they find that the Federal Government has claim to part of their land. In some cases that land that the Federal Government now claims contains improvements placed on the land by the adjacent landowner. In fact a couple of those came to my attention in our State. If we do some extrapolating, there are about 190 million-plus acres of national forest system that have roughly 272,000 miles of property lines. About 80 percent of this is located in the Western States. Because of the different functions of the Forest Service and the numerous laws we've passed in Congress during the past two decades, much resurveying of the forest lands has been done.

So far less than 25 percent of the property lines have been resurveyed. Less than 25 percent means that if cases that now exist are any indication, we could have almost 200,000 cases of property disputes out there. I don't say that we do, but we could have. And I think we ought to provide some discretion. If it needs oversight from time to time by the Congress I think that is what we are here for, but I think we ought to go ahead and provide the flexibility for responsible landowners and a responsible Federal Government acting as neighbors and responsible holders of free title to property, to truly be neighbors and resolve these kind of problems.

I think if you don't, the proportion of this can yield conflicts beyond anything we've had before on titles and I just don't think with all the anguish and animosity toward our Government as land managers that exists, that we need to add this. I think we ought to undo some of that anguish now and get started.

Thank you.

[The prepared statement of Senator Domenici follows:]

STATEMENT OF SENATOR PETE V. DOMENICI
before the Energy and Natural Resources subcommittee on
Public Lands and Reserved Water
June 23, 1982

MR. CHAIRMAN, I want to thank you for allowing this subcommittee to hold prompt hearings on this bill. As you know the bill was originally referred to the Senate Agriculture Committee and was favorably reported out of that committee.

I want you to know I also appreciate Chairman McClure's plan to mark this bill up at the June 30th business session of the full committee.

I think S. 705, the Small Tracts Act, is definitely a bill that is needed by this nation. Originally, I became interested in this problem because of what I thought was a small problem in the Lincoln National Forest in Otero county, New Mexico. It was only later that I found out that the problem I was trying to correct was widespread and existed in almost every state that had National Forest land within its boundaries.

Currently, there are thousands and thousands of cases across the nation that involve disputed boundaries between the U.S. Forest Service and adjacent property owners. In the past, I have used the figure "over 50,000 individual disputes". Recently, I have seen statements by Forest Service personnel that the figure now stands at over 60,000 cases.

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In New Mexico, where I first came across this problem, I found that government surveyors compounded the problem by conducting improper surveys and then leaving improperly placed survey markers which private surveyors, relied upon in later property transfer cases.

What really makes this such a "Catch 22 situation" is that thousands of titles to private property have been clouded and will continue to be clouded unless we pass this bill and give these landowners another alternative to the dilemma.

I would point out that these land owners in some cases have lived on this land for several generations and now all of a sudden they find that the Federal government has claim to part of their land. In some cases that land that the federal government now claims contains improvements placed on the land by the adjacent landowner.

Currently, the 190 million plus acres of the National Forest System have roughly 272,000 miles of property lines. About 80 percent of this is located in the Western States.

Because of the different functions of the Forest Service and numerous laws we have passed in the Congress during the past two decades much resurveying of the National Forest lands has been done. So far, less than 25 percent of the property lines have been resurveyed. Less than 25 percent means that if the cases that now exist are any indication we could have almost 200,000 more cases of property disputes out there.

We must allow some discretion to our local Forest Service officials if the Federal Government is truly going to be a responsible landowner and if the Federal Government is going to truly be a good neighbor.

Otherwise, we will continue to have conflicts between our citizens, and the federal government.

Senator WALLOP. I couldn't agree with you more. Simply from a business standpoint, I think you have to say that it's going to cost the Government a lot more by way of court settlements or by way of awaiting the passage of private relief bills or by way of other administrative impediments than would ever be lost by whatever kind of mismanagement this might be subject to, and I don't think that it would be.

Just looking at the number of cases that are known to exist and your extrapolated figure, clearly it's in the interest of everybody to try to be businesslike about it. You know, land disputes, especially those that are so innocent on the part of the people that are involved, both the Forest Service and the private landholders.

I appreciate your testimony.

Senator DOMENICI. You think that we can be ready for the 30th of June?

Senator WALLOP. I have no doubt that we'll be ready.

Senator DOMENICI. Could I also thank you, John.

Mr. CROWELL. Thank you for your eloquent statement of this legislation.

We thank you for the assistance it will give us for playing the good neighbor role with many of our neighbors which we would like to accommodate now but do not have the authority to do it quickly or easily, and this legislation would do that.

Senator WALLOP. I have one question that I believe we ought to try to develop a response to, and that is in section 7 of S. 705, which was reported by the Agriculture Committee, which does not authorize conveyance of Federal lands within the National Wilderness Preservation System. The question is, Should Federal lands and Forest Service and/or our Wild Scenic Rivers or the National Trail System have special treatment, or be excluded?

Mr. CROWELL. We would be willing to accept the concept that the authority for sale of lands in the Wild Scenic River areas and in the Trail System could be similarly limited as section 7 does for wilderness areas. However, we do feel that the right for exchanges and interchanges in those two categories, Wild Scenic Rivers and National Trail system, would be very useful because some of these problems conceivably could arise in those two categories.

I suspect there is concern that there might be some general sell-off of lands in those categories, and that of course is not the intent. But in order to reassure people who might feel that way, I think we could accept the restraint on sale. Actually, we could accept the restraint on the other exchange and interchange things, too, but it would simply perpetuate the problem with respect to private lands that were in or abutting upon National Scenic Rivers, Trails, and the National Recreation areas.

With respect to the National Recreation areas, we think even there the authority for sale ought to be preserved because, again, the basic legislation setting up National Recreation areas has provisions in it for urging the Government to consolidate ownerships, and this would be a very useful tool for accomplishing that kind of consolidation. So, although we would not oppose the kind of restriction that your question suggests, Mr. Chairman, we do suggest these other considerations ought to be kept in mind when the committee does consider the possibility of amending section 7.

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Senator WALLOP. There is a considerable amount of consolidating left to be done in the National Recreation areas?

Mr. CROWELL. Yes, there would be.

Senator WALLOP. And you would view this as not being a particular threat by means which you could accelerate that consolidation?

Mr. CROWELL. If the bill were amended as you say, it would place an impediment.

Senator WALLOP. I'm asking the reverse of that; if you feel that this bill, as it lies, would assist you and accelerate the process of consolidation within the National Recreation areas?

Mr. CROWELL. We think it would.

Senator WALLOP. And the limitation, both in terms of acreage and values, would not be a major threat to the purposes for which those recreation areas were set aside?

Mr. CROWELL. That's correct.

Senator WALLOP. I believe that takes care of the concerns that the subcommittee might have. If there is another question that arises, I will be happy to forward it on to you.

Mr. CROWELL. We note your desire to get the response as quickly as possible so the committee can proceed with the markup.

Senator WALLOP. I don't want us to lose the jurisdictional position that we have, and if we don't get it marked up by June 30, we will. And I think it's appropriate that we do that here, and so I appreciate it.

Thank you both very much.

Next is Director Russell Dickenson, of the National Park Service, testifying on S. 2569.

Good morning, it's nice to see you.

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. DICKENSON. I do have a prepared statement which I will submit for the record and, with your permission, I'll summarize the principle features of that.

I have had an opportunity to personally visit Cumberland Island National Seashore on more than one occasion. It is a wild, isolated, difficult access, and limited visitation, unit of the national park system. It is extremely significant in terms of scenic national, historic, and recreational values, and we're very pleased this morning on behalf of the administration to recommend the enactment of S. 2569.

We do have certain situations, however, we wish to call the committee's attention to specifically. One of those is the fact that there are a number of former private lands for which there are retained rights. This can be characterized as an unusual feature as it relates to wilderness and perhaps the original intention of the Congress as it enacted the Wilderness Act of 1964, but that, of course, is for the committee's deliberations and considerations. And I call that specifically to your attention so that may be given further attention.

We also want to call your attention to the fact that in the northern portion of the island there are two features called High Point and Half Moon, which are historic districts, and they do include three reserved rights to those areas. The reason I mention this spe-

cifically is, those historic areas have not been sufficiently studied to enable us to make any kind of recommendation at this time as to whether or not the ruins or the buildings or remaining features should be protected. These are manmade features. They would be, by ordinary circumstances, considered an intrusion in the wilderness.

We believe that many of these reserved rights, retained rights, will not be extinguished for up to 100 years. If the committee desires to designate the wilderness, that will give ample time for the executive branch to complete the necessary studies and take such action that might be recommended to preserve those historic features.

Also, I want to call your further attention to the road known as Grand Avenue. Though the island is primitive, it did have a great number of families living on it formerly, and that road is purely to be used for retained right access to those former private properties. It would be extinguished and eliminated from wilderness at such time as those rights were extinguished.

The Department of Defense in that area has a major installation and interest on the main Georgia coast, adjacent to Cumberland Island. They have expressed some concerns about the easements which they have for disposition of sand and in the event of a nuclear accident in that area, of the elimination of all public use during the time of emergency.

We are agreeable to that.

In terms of the overflights which the Navy and other military people must continue for national defense purposes, we can work that out without having a firm agreement at this time. We're convinced that we can satisfy the military's need to continue their activities without infringing upon the isolation in the wilderness experience.

And finally, Mr. Chairman, a purely technical correction. We suggest that on page 3, line 5, that the words "Wilderness Act governing areas designated by that Act as", end of quote, be inserted after the word "be" on line 5. This is used in all of the standard wilderness legislation with which we deal and we believe it is simply an omission in this particular case.

And that concludes my summarization of this, Mr. Chairman. Just let me say we support the enactment of the bill and believe that the few situations that we've described to you can certainly be worked out.

[The prepared statement of Mr. Dickenson follows:]

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR OF THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, CONCERNING S. 2569, TO DECLARE CERTAIN LANDS IN THE CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA, AS WILDERNESS, AND FOR OTHER PURPOSES.

JUNE 24, 1982

MR. CHAIRMAN, IT IS A PLEASURE TO APPEAR BEFORE YOUR SUBCOMMITTEE TODAY TO PRESENT OUR VIEWS ON S. 2569, "TO DECLARE CERTAIN LANDS IN THE CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA, AS WILDERNESS, AND FOR OTHER PURPOSES."

WE RECOMMEND THAT THE BILL BE ENACTED, SUBJECT TO THE COMMITTEE'S CONSIDERATION OF SEVERAL CONCERNS WHICH WE WILL ADDRESS.

S. 2569 WOULD DESIGNATE ABOUT 8,840 ACRES IN CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA, AS WILDERNESS AND 11,718 ACRES AS POTENTIAL WILDERNESS AS SHOWN ON MAP NO. 640-20038E DATED NOVEMBER 1981. THE POTENTIAL WILDERNESS WILL BE DESIGNATED WILDERNESS UPON PUBLICATION IN THE FEDERAL REGISTER OF A NOTICE BY THE SECRETARY OF THE INTERIOR THAT ALL USES THEREON INCONSISTENT WITH THE WILDERNESS ACT HAVE CEASED.

CUMBERLAND ISLAND IS THE SOUTHERNMOST AND LARGEST OF GEORGIA'S OFFSHORE ISLANDS AND IS SITUATED IN THE SOUTHEASTERN SECTION OF GEORGIA JUST NORTH OF THE ST. MARYS RIVER, WHICH FORMS THE GEORGIA-FLORIDA STATE LINE. THE SEASHORE WAS ESTABLISHED TO PROTECT THE BARRIER ISLAND'S OUTSTANDING NATURAL, HISTORICAL AND RECREATIONAL VALUES AND TO PROVIDE FOR PUBLIC OUTDOOR RECREATION USE AND ENJOYMENT OF CERTAIN SIGNIFICANT SHORELINE LANDS AND WATERS OF THE UNITED STATES.

PUBLIC LAW 92-536, WHICH ESTABLISHED CUMBERLAND ISLAND NATIONAL SEASHORE, REQUIRED A WILDERNESS REVIEW IN ACCORDANCE WITH SUBSECTION 3(c) AND 3 (d) OF THE 1964 WILDERNESS ACT. PUBLIC HEARINGS WERE HELD ON PROPOSED WILDERNESS IN SEPTEMBER 1977 IN SAINT MARYS AND ATLANTA, GEORGIA, BUT NO WILDERNESS PLAN WAS SUBMITTED TO THE CONGRESS.

WE HAVE SERIOUS RESERVATIONS AS TO WHETHER THE LANDS TO BE DESIGNATED AS WILDERNESS UNDER S. 2569 MEET THE CRITERIA SET FORTH IN THE WILDERNESS ACT. HOWEVER, BECAUSE OF OUR DESIRE TO SEE THE AREA MAINTAINED IN ITS NATURAL STATE, AND BECAUSE OF STRONG PUBLIC SUPPORT FOR THE WILDERNESS DESIGNATION, WE SUPPORT ENACTMENT OF THIS BILL, IF AMENDED.

WE NOTE THAT THE HIGH POINT/HALF MOON HISTORIC ZONE, WHICH COMPRISES 490 ACRES, INCLUDES RETAINED RIGHTS TO THREE RESERVED ESTATES AND FOUR POTENTIAL RESERVED ESTATES. THESE RIGHTS WILL CONTINUE IN EFFECT FOR APPROXIMATELY 90-100 YEARS. WITHIN THIS AREA PROPOSED AS POTENTIAL WILDERNESS ARE TWO PARCELS COMPRISING 2 ACRES AND 54 ACRES, RESPECTIVELY, WHICH CONTAIN STRUCTURES OF POSSIBLE HISTORIC SIGNIFICANCE. DETAILED HISTORIC SURVEYS OF THESE STRUCTURES HAVE NOT BEEN COMPLETED, AND IT IS NOT POSSIBLE AT THIS TIME TO PREDICT WHETHER STABILIZATION, PRESERVATION, AND INTERPRETATION OF THESE STRUCTURES WILL BE REQUIRED UNDER SECTION 106 OF THE HISTORIC PRESERVATION ACT OF 1966 AND ITS IMPLEMENTING PROCEDURES.

THE REQUIREMENTS OF SECTION 106 MAY WELL CONFLICT, HOWEVER, WITH THE DESIGNATION OF THESE LANDS AS WILDERNESS SINCE THE WILDERNESS ACT DEFINES WILDERNESS AS "NATURAL" AND "UNDEVELOPED" IN CHARACTER AND DEVOID OF "PERMANENT IMPROVEMENTS OR HUMAN HABITATION." MAINTAINING THE STRUCTURES IN PERPETUITY WOULD SEEM TO FRUSTRATE THE INTENTION OF CONGRESS THAT THESE LANDS EVENTUALLY BE DESIGNATED AS WILDERNESS. AT THE SAME TIME, DESIGNATING THIS ACREAGE AS WILDERNESS WOULD SEEM TO FRUSTRATE CONGRESS'S INTENT THAT HISTORIC STURCTURES BE PRESERVED. WE BELIEVE THIS APPARENT INTERNAL CONFLICT WITHIN S. 2569 SHOULD BE CONSIDERED CAREFULLY BY THE COMMITTEE.

FURTHER, WE WISH TO CALL THE COMMITTTEE'S ATTENTION TO GRAND AVENUE, THE HIGH POINT-CANDLER ROAD, AND THE SOUTH CUT ROAD. THESE ROADS ARE SHOWN ON THE MAP AS BEING RESERVED ESTATE ACCESS ROADS. WHEN THE RESERVED ESTATES TERMINATE, THESE ROADS WILL BE DECLARED WILDERNESS. ACCORDINGLY, THEY SHOULD BE CONSIDERED THE SAME AS POTENTIAL WILDERNESS.

THE DEPARTMENT OF DEFENSE HAS EXPRESSED SEVERAL CONCERNS ABOUT THE IMPACT OF THIS WILDERNESS DESIGNATION ON MILITARY ACTIVITIES IN THE AREA, AND WE ARE CURRENTLY WORKING WITH THAT DEPARTMENT TO ENSURE THAT DESIGNATION WOULD NOT IMPEDE THESE ACTIVITIES. SPECIFICALLY, DEFENSE HAS EXPRESSED CONCERN ABOUT A MILITARY OCEAN TERMINAL AND POSSIBLE RESTRICTIONS ON MILITARY FLIGHTS OVER THE AREA TO BE DESIGNATED AS WILDERNESS. WE WOULD EXPECT TO CONTINUE THE EXISTING RESTRICTIVE EASEMENTS FOR THE MILITARY OCEAN TERMINAL AT KINGS BAY, GEORGIA. WE WOULD ALSO EXPECT TO ALLOW THE MILITARY FLIGHTS TO CONTINUE.

MR. CHAIRMAN, WE RECOMMEND A PERFECTING AMENDMENT: ON PAGE 3, LINE 5, WE RECOMMEND THAT THE WORDS "WILDERNESS ACT GOVERNING AREAS DESIGNATED BY THAT ACT AS" BE INSERTED AFTER THE WORD "THE". THIS AMENDMENT ADDS LANGUAGE WHICH APPEARS IN ALL OHER NATIONAL PARK SYSTEM WILDERNESS LEGISLATION, AND WHICH APPEARS TO HAVE BEEN INADVERTENTLY DROPPED WHEN THE BILL WAS PRINTED.

MR. CHAIRMAN, THIS CONCLUDES MY PREPARED TESTIMONY ON S. 2569. I WILL BE PLEASED TO ANSWER ANY QUESTIONS YOU OR THE OTHER MEMBERS OF YOUR SUBCOMMITTEE MAY HAVE.

Senator WALLOP. A question that Tony offers is that if you could live without the amendment that you just suggested, the theory being that you don't want to send it back to the House for conference, if it is necessary to have it, and I think we could probably work that out in advance, but if you could live without it——

Mr. DICKENSON. The House-passed bill is appropriate and correct and we can live with it.

Senator WALLOP. Let me ask you one thing with regards to Grand Avenue. And that you say would be retained as a road for retained right access. Is there any problem to you administratively in maintaining it just for that? What kinds of protection can you have for such a road? I know in other areas of the country roads are very attractive for all kinds of other reasons than the reasons for which they were set up.

Mr. DICKENSON. It seems like we have two choices. One is to look at it as a potential wilderness, and to look to the future as extinguishment of that when all of the retained rights expire 90 or 100 years from now.

The other option would simply be to carve out a corridor to the Plum Orchard area, for example, which is a historic site used for administrative purposes and which currently is used by a nine-passenger van for interpretation to a limited number of people. That would carve out a corridor which would eliminate it from the wilderness. But I would hasten to add also that that would be probably contradictory to the intent of the basic wilderness designation.

Senator WALLOP. So you're comfortable that you can administratively protect wilderness values that you seek both with the road and the retained right areas?

Mr. DICKENSON. The preferred position would be that the road would be retained for so long as those retained rights required its use. And if at some future time, in future decades, the level of public use changed or other conditions changed, then we might reexamine that or Congress might reexamine it.

Senator WALLOP. And you're comfortable that if we recognize these peculiarities and report language, that no legislative changes need to be——

Mr. DICKENSON. We see the inconsistency and recognize that Congress through its legislative act would make sound regulations and rules in this case.

Senator WALLOP. I thank you very much.

Next is a panel. Mr. Bill Mankin of the Chattahoochee Chapter of the Sierra Club, Atlanta, Ga.; Mr. Joel Volpi, director of the Atlanta Audubon Society; Randy Snodgrass, Southeast field representative of the Wilderness Society in Atlanta; and Mr. Hans Neuhauser, coastal director of the Georgia Conservancy.

If you gentlemen will give me about 5 minutes to recess, we'll stand in recess for about 5 minutes.

[Whereupon, a brief recess was taken.]

Senator WALLOP. The committee will come back to order and I appreciate your indulgence.

I would ask that Mr. Bill Mankin begin.

STATEMENT OF BILL MANKIN, CHATTAHOOCHEE CHAPTER, SIERRA CLUB, ATLANTA, GA.

Mr. MANKIN. Thank you Mr. Chairman. I'm going to be submitting a summary of my remarks and I certainly appreciate our entire written statement being incorporated in the record.

Mr. Chairman, my name is Bill Mankin of Atlanta, Ga. I'm representing the Chattahoochee Chapter of the Sierra Club which includes some 3,500 members in Georgia and Alabama.

I'm pleased to be here to offer our support for the formal, permanent protection of a major portion of Cumberland Island National Seashore as wilderness. This is a concept long advocated by Sierra Club, other conservation organizations, and the National Park Service. Just last year, in written comments on a recent general management plan for the island, thousands of citizens urged the Park Service to, "keep Cumberland wild." And now, with this legislation you have before you, Georgia's congressional delegation has added its public endorsement.

The area proposed for wilderness designation by S. 2569, we feel, is unquestionably qualified for that designation. There exist countless alternatives for active and developed recreation all along the Georgia coast and throughout the Nation, but there remain precious few opportunities for a truly natural, wild, barrier island experience. These opportunities grow fewer day by day, especially in the eastern part of our Nation, where, compared to western regions, wilderness is truly a scarce resource. Wherever possible we should make every effort to insure that such areas retain, or, if necessary, regain their wilderness splendor.

On Cumberland, that splendor is everywhere. There are nearly 20 miles of unspoiled beaches. The remarkable range of ecological communities, from the beach and dunes to the well-established live oak maritime forest, the freshwater ponds and marshes, and the saltmarsh and tidal creeks, harbor an incredible diversity of flora and fauna, including many endangered and threatened species. A visitor might well expect to observe everything from white-tailed deer to armadillos, alligators, great horned owls, diamondback rattlesnakes, nesting sea turtles, and if he's lucky, a bald eagle or even a manatee in the tidal creeks.

Regularly scheduled public access by Park Service ferry makes Cumberland's varied wilderness experiences uniquely accessible. Visitors to the island will welcome the opportunity to find real solitude, more and more a rare treat in a crowded world. They can swim in an ocean with no one else in sight. They can fish, hike, hunt, camp, and enjoy all forms of nature study and observation.

In short, Cumberland Island is very special. There is no other relatively unspoiled island of similar size and ecological and landform diversity anywhere in the Nation, and certainly no other similar unit of the national wilderness preservation system. S. 2569 is the most appropriate recognition of these qualities.

Consistent with the Wilderness Act, the provisions of S. 2569 protect all private property rights and access. Furthermore, we would not intend the bill to prejudice the standing of the remaining private landowners in future negotiations with the Park Service regarding life estates and retained right agreements. However, we

also would not expect the Park Service to grant any additional rights or privileges, which might adversely affect the integrity of the wilderness, beyond those that normally have been granted in standard negotiated settlements since the seashore was established.

The integrity of the wilderness is our chief concern. As a barrier island Cumberland may be relatively large, but as a wilderness, it is small. The existence within this area of a number of privately owned life estates, and of retained rights to vehicular access along the primitive island roads, presents a unique management challenge for all concerned. Management policies must be especially sensitive. Indeed, we feel that, for at least the next few decades, actual day to day management of the Cumberland Island Wilderness could be as important as the basic wilderness designation itself. We are confident, though, that such management questions can be addressed adequately, and most appropriately, in the Senate committee report.

During the time access ways within Cumberland's wilderness and potential wilderness areas continue to exist for the purpose of honoring retained private rights, the Park Service should be able to use these access ways to respond to emergencies, for essential law enforcement, and for administrative purposes necessary for the management of these areas as wilderness.

Access to Plum Orchard mansion for restoration and interpretation activities can be based on feasibility as well as wilderness integrity. Language developed in the House committee report. No. 97-383, successfully incorporates this concept by presenting the options for means and routes of access to Plum Orchard, and by providing congressional guidance on its preferences for that access, but leaving the Park Service the authority to make the final determination.

The overall goal for resolving these issues should be to phase out each and every activity or use which is nonconforming to wilderness, as soon as it is practicable to do so. In no case should any such use, whether by life estate residents, special use permit holders, or the National Park Service, be considered or allowed to become a traditional or "established" use, as such term is used in the Wilderness Act.

Regarding the disposition and degree of significance of certain buildings on the north end of Cumberland Island, about which some question has been raised, we would like to point out that there is now general agreement among Park Service officials at the regional level as well as on the island that the historic integrity of most of these structures is either nonexistent or has been compromised by the alterations of private residents. In any case, regional officials have said they can envision no preservation action that would be required for these structures that would in any way compromise a wilderness designation.

Sierra Club's positions on these issues have been developed as part of a continuing evolution of consensus among varied members of Georgia's conservation community, our congressional delegation, and the National Park Service. The House committee report on this legislation, which was a carefully wrought compromise based on input from all interested parties, is a perfect example of this process. We would like to call attention to the fact that there has

been a relative absence of controversy regarding this legislation, and we hope you will give the bill your favorable consideration and swift approval.

I appreciate the opportunity to testify. I would certainly be glad to respond to any questions on these issues that you might have.

[The prepared statement of Mr. Mankin follows:]

Sierra Club CHATTAHOOCHEE CHAPTER

... To explore, enjoy and preserve the nation's forests, waters, wildlife and wilderness...

TESTIMONY ON S. 2569, A BILL TO DESIGNATE CERTAIN LANDS ON

CUMBERLAND ISLAND NATIONAL SEASHORE AS WILDERNESS

PRESENTED BEFORE SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATERS, JUNE 24, 1982

Mr. Chairman and members of the subcommittee, my name is Bill Mankin of Atlanta, Georgia. I'm representing the Chattahoochee Chapter of Sierra Club, which includes some 3,500 members in Georgia and Alabama.

I'm pleased to be here to offer our support for the formal, permanent protection of a major portion of Cumberland Island National Seashore as wilderness. This is a concept long advocated by Sierra Club, other conservation organizations, and the National Park Service. Just last year, in written comments on a recent General Management Plan for the island, thousands of citizens urged the Park Service to, "keep Cumberland wild". And now, with this legislation you have before you, Georgia's Congressional delegation has added its public endorsement.

The area proposed for wilderness designation by S. 2569, we feel, is unquestionably qualified for that designation. There exist countless alternatives for active and developed recreation all along the Georgia coast and throughout the nation, but there remain precious few opportunities for a truly natural, wild, barrier island experience. These opportunities grow fewer day by day, especially in the eastern part of our nation, where, compared to western regions, wilderness is truly a scarce resource. Wherever possible we should make every effort to insure that such areas retain, or, if necessary, regain their wilderness splendor.

On Cumberland, that splendor is everywhere. There are nearly twenty miles of unspoiled beaches. The remarkable range of ecological communities, from the beach and dunes to the well-established live oak maritime forest, the freshwater ponds and marshes, and the saltmarsh and tidal creeks, harbor an incredible diversity of flora and fauna, including many endangered and threatened species. A visitor might well expect to observe everything from white tailed deer to armadillos, alligators, great

horned owls, diamondback rattlesnakes, nesting sea turtles, and, if he's lucky, a bald eagle or even a manatee in the tidal creeks.

Regularly scheduled public access by Park Service ferry makes Cumberland's varied wilderness experiences uniquely accessible. Visitors to the island will welcome the opportunity to find real solitude, more and more a rare treat in a crowded world. They can swim in an ocean with no one else in sight. They can fish, hike, hunt, camp, and enjoy all forms of nature study and observation.

In short, Cumberland Island is very special. There is no other relatively unspoiled island of similar size and ecological and landform diversity anywhere in the nation, and certainly no other similar unit of the National Wilderness Preservation System. S. 2569 is the most appropriate recognition of these qualities.

Sierra Club supports the bill's wilderness and potential wilderness designations, as well as the creation of a non-wilderness historic enclave, accessible for public interpretation by either horse-drawn conveyance or boat, around Plum Orchard. We support the designation of High Point and Halfmoon Bluff, the saltwater marshes, the beach, the segment of Grand Avenue from Stafford Place to Plum Orchard, and the yet-to-be-acquired private lands as potential wilderness, all to become wilderness as soon as the Park Service gains ownership and certain uses have ceased.

The beach and saltmarshes are currently owned by the State of Georgia. Because they are an integral part of Cumberland's wilderness, we hope the transfer from State ownership to Park Service ownership of title to the beach and marshes will take place as soon as possible, so that the Park Service can unify its management and better preserve the integrity of the wilderness area.

Consistent with the Wilderness Act (P.L. 88-577), the provisions of S. 2569 protect all private property rights and access. Furthermore, we would not intend the bill to prejudice the standing of the remaining private landowners in future negotiations with the Park Service regarding life estates and retained right agreements. However, we also would not expect the Park Service to grant any additional rights or privileges, which might adversely affect the integrity of the wilderness, beyond those that normally have been granted in standard negotiated settlements since the seashore was established.

The integrity of the wilderness is our chief concern. As a barrier island Cumberland may be relatively large, but as a wilderness it is small. The existence within this area of a number of privately-owned life estates, and of retained rights to

vehicular access along the primitive island roads, presents a unique management challenge for all concerned. Management policies must be especially sensitive. Indeed, we feel that, for at least the next few decades, actual day-to-day management of the Cumberland Island Wilderness could be as important as the basic wilderness designation itself. We are confident, though, that such management questions can be addressed adequately, and most appropriately, in the Senate committee report.

Federal agencies have had years of experience administering wilderness areas in complete accordance with provisions of the Wilderness Act despite the existence of private inholdings and retained rights. We are sure the National Park Service can manage the wilderness and potential wilderness areas of Cumberland Island in similar fashion, using the minimum tools necessary, and non-motorized conveyance wherever possible. Representative Don Young (R-AK) said it best during House floor debate on this legislation, when he stated that the Park Service should, "set an example".

During the time access ways within Cumberland's wilderness and potential wilderness areas continue to exist for the purpose of honoring retained private rights, the Park Service should be able to use these access ways to respond to emergencies, for essential law enforcement, and for administrative purposes necessary for the management of these areas as wilderness. Access to Plum Orchard mansion for restoration and interpretation activities can be based on feasibility as well as wilderness integrity. Language developed in the House committee report (No. 97-383) successfully incorporates this concept by presenting the options for means and routes of access to Plum Orchard, and by providing Congressional guidance on its preferences for that access, but leaving the Park Service the authority to make the final determination.

The overall goal for resolving these issues should be to phase out each and every activity or use which is non-conforming-to-wilderness as soon as it is practicable to do so. In no case should any such use, whether by life estate residents, special use permit holders, or the National Park Service, be considered or allowed to become a traditional or "established" use, as such term is used in the Wilderness Act. We also believe that the Cumberland Island wilderness experience could be considerably enhanced if the Park Service would try its best to acquire, through negotiation, certain of the retained rights which are reserved to many of the island's private landowners.

Regarding the disposition and degree of significance of certain buildings on the north end of Cumberland Island, about which some question has been raised, we would like to point out that there is now general agreement among Park Service officials at the regional level as well as on the island that the historic integrity of most of these

structures is either non-existent or has been compromised by the alterations of private residents. In any case, regional officials have said they can envision no preservation action that would be required for these structures that would in any way compromise a wilderness designation. (See addendum below)

Sierra Club's positions on these issues have been developed as part of a continuing evolution of consensus among varied members of Georgia's conservation community, our Congressional delegation, and the National Park Service. The House committee report on this legislation, which was a carefully-wrought compromise based on input from all interested parties, is a perfect example of this process. We would like to call attention to the fact that there has been a relative absence of controversy regarding this legislation, and we hope you will give the bill your favorable consideration and swift approval.

Disposition and Degree of Significance of Buildings
on the North End of Cumberland Island

Questions have been raised regarding the possible historic significance of a number of buildings and structures within the potential wilderness area proposed by S. 2569, as well as what type of management approach the National Park Service (NPS) can use to properly administer these structures. Although the structures do stand within a larger Historic District which has been listed on the National Register of Historic Places, it is not the individual structures (at High Point and Halfmoon Bluff) that have the formal listing. Furthermore, there is a growing body of evidence to indicate that the significance of the structures is in considerable doubt.

In recent months the Cultural Resources Management Office of the National Park Service's Southeast Region has been re-examining this issue and re-evaluating these structures. Though studies continue, there now seems to be general agreement both at the regional level as well as on the island that the historic integrity of most of the structures is either non-existent or has been compromised by the alterations of private residents. Whatever the degree of significance, it would be so low that, according to the region's Cultural Resources Officer, the National Park Service's internal prioritizing process probably would place these structures near the bottomm of the list for any stabilization or preservation expenditures. The NPS Historic Preservation

guidelines clearly indicate that costs and benefits must be weighed for all preservation activities. For the forseeable future it is also likely that Congressional appropriations for such proposals will be carefully scrutinized and prioritized.

Because these structures are within an area to be designated potential wilderness by S. 2569, the area would not become wilderness as long as the structures remain. NPS administrative guidelines are quite adequate for managing historic structures within wilderness, and regional officials have said they cannot envision any preservation action that would be required on Cumberland that would in any way compromise a wilderness designation. If the Park Service so chooses, after careful documentation of a given structure, and full compliance with Section 106 of the National Historic Preservation Act of 1966, the Park Service might adopt a policy of "no maintenance", allowing the structure to age and deteriorate naturally. Other structures could be either removed or allowed to deteriorate. According to the provisions of S. 2569, once conditions evolve to the point where the area would qualify for wilderness designation, such designation would be conferred virtually automatically, requiring no further action by Congress.

This legislation, as currently written, is clearly the most efficient and effective means of balancing the disposition of these structures with wilderness designation.

Senator WALLOP. Mr. Volpi?

STATEMENT OF JOEL VOLPI, DIRECTOR, ATLANTA AUDUBON SOCIETY, ATLANTA, GA.

Mr. VOLPI. Thank you Mr. Chairman.

Mr. Chairman, and members of this subcommittee, my name is Joel Volpi. I represent over 2,000 members of the Atlanta Audubon Society.

I appreciate the opportunity to give Atlanta Audubon's support for the designation of a major portion of the Cumberland Island National Seashore as wilderness. Our organization would like to thank Senators Nunn and Mattingly for their interest in, and support of, S. 2569.

Cumberland Island is a unique barrier island of the coastal region of the Southeastern United States. Its diversity of habitats and settings offers rare, natural, experiences for those willing to encounter its wildness and solitude firsthand. Miles of pristine beach, freshwater ponds, saltwater marshes, and vast arrays of flora and fauna, make Cumberland Island a natural area unmatched by any in our country. Its addition to our National Wilderness Preservation System will insure the integrity of the island for future generations.

Atlanta Audubon strongly endorses the wilderness and potential wilderness designations set forth in S. 2569. The Highpoint and Halfmoon Bluff areas, the marshes, the beach, and any remaining private land holdings, should be designated as potential wilderness. We urge the National Park Service to acquire these areas as soon as possible, and, once done, these areas should be designated wilderness.

We recognize the significance of Plum Orchard as a historic area and believe it should be excluded from the wilderness. Access to this area is necessary for restoration purposes and historic interpretation. We support the use of boat or horse drawn conveyance as means of access to Plum Orchard. With concern over access to Plum Orchard, we support the concept stated in the House committee report (No. 97-383). It represents a balanced approach with congressional guidance and leaves the administering agency, the National Park Service, to make the final decision.

The responsibility to maintain the integrity of the Cumberland Island wilderness will be entrusted to the National Park Service. In carrying out its administrative duties within the wilderness, the Park Service should strive to use the minimum tools necessary. The Park Service should be able to use the access ways within the wilderness, which remain open due to retained, private rights in responding to emergencies and for essential law enforcement. Since protection of private property rights and access are provided for in the Wilderness Act of 1964, and again in S. 2569, we would expect the Park Service not to grant additional rights or privileges which would violate the protection of the wilderness.

Again, Atlanta Audubon fully supports S. 2569. We hope you will look upon it favorably and give it your approval soon.

Thank you for the opportunity to testify.

Senator WALLOP. Thank you. Mr. Snodgrass?

STATEMENT OF RANDY SNODGRASS, SOUTHEAST REPRESENTATIVE, THE WILDERNESS SOCIETY, ATLANTA, GA.

Mr. SNODGRASS. I am Randy Snodgrass of the Wilderness Society's southeast regional office in Atlanta. I am representing the more than 60,000 members of this national conservation organization. We are dedicated to insuring that there is wise use and sound management of this Nation's public lands and wilderness resource.

I am pleased to be before this subcommittee today to offer the Wilderness Society's support for Senator Mattingly's Cumberland Island wilderness bill, S. 2569. This organization has been involved with the formulation of this wilderness proposal throughout the past 5 years. We applaud the efforts of Georgia's citizens, the conservation community at large, the National Park Service, and our congressional delegation, for the long hours of often painstaking work it took to reach an agreement on many of the details contained within this legislation. We especially want to thank Senators Mattingly and Nunn for introducing the Cumberland Island wilderness bill in the Senate and for their determined pledge of support.

Historically, the Congress has heard many superlative adjectives which describe Cumberland Island by those who know and love this place: hauntingly beautiful, pristine, natural beauty, majestic. My own one word description is enchanting, for Cumberland Island creates a mood for the visitor that is quite unique.

The enormous, moss-draped, live oak forest on the island is perhaps the most beautiful of anywhere I have ever seen. As a public land expert in the Southeastern United States, I can emphatically add that Cumberland Island National Seashore is a gem of a na-

tional park. It is undoubtedly one of the finest pieces of real estate contained within the National Park System. It is for this reason that the Wilderness Society would like to add a portion of the island to the National Wilderness Preservation System to protect its superb natural attributes in perpetuity.

The Wilderness Society lent its support to Congressman Ginn's bill which passed the House on December 15 of this past year. His bill also places 8,775 acres in the Wilderness System immediately, and an additional 11,450 acres becomes potential wilderness until existing rights expire. We have some very specific concerns about management language which appears in the House committee report accompanying this bill. I have attached to my statement suggested language to alleviate these concerns that represent a concensus opinion on the part of the Wilderness Society, Georgia Conservancy, Chattahoochee Chapter of the Sierra Club, and the Atlanta Audubon Society. I ask that this be included as a part of the record.

Mr. Chairman, the Wilderness Society appreciates the opportunity to testify here today. We hope that the subcommittee will favorably consider this legislation and expedite its passage.

Thank you.

[The attachment to Mr. Snodgrass' statement follows:]

Appendix Page One
Testimony of Randall Snodgrass
June 24, 1982

SUGGESTED LANGUAGE FOR THE SENATE COMMITTEE REPORT ON SPECIFIC ISSUES RELATED TO CUMBERLAND ISLAND WILDERNESS LEGISLATION, S. 2569.

The Road Between Plum Orchard and Stafford Place

The language contained on pages 5 and 6 of the House Committee Report (No. 97-383) is recommended as an appropriate compromise for the resolution of this issue. In essense, the language provides Congressional guidance on its preferences for access routes and mechanisms to Plum Orchard but gives the National Park Service discretion in finally determining how access will be provided. The relevant language from the House Report is reprinted below; the same wording is suggested for the Senate Report.

> The Plum Orchard mansion and grounds have been excluded from designation as wilderness or potential wilderness. That portion of Grand Avenue from Plum Orchard mansion to the southernmost wilderness boundary is designated as potential wilderness and any part of it is intended to change to wilderness classification at such time that all retained rights for use of such road segments expire.
>
> The Committee recognizes the need for access to Plum Orchard for purposes of public visitation and National Park Service restoration, rehabilitation, and maintenance activities. In the interests of minimizing unnecessary intrusion on wilderness values, the Committee urges the National Park Service to make every effort to provide access to Plum Orchard for all purposes by water, and to complete all major restoration and rehabilitation activities at the earliest practicable date. The Committee specifically intends that public visitor access to Plum Orchard should be provided by boat in order to avoid motorized vehicle traffic on Grand Avenue.
>
> In order that boat access be provided at minimum cost, the Committee instructs the National Park Service to carefully study the possibility of the use of National Park Service boats already in use at the Seashore, the use of a suitable boat provided by donation, the use of volunteer labor to make docking facilities acceptable for safe and convenient visitor access, and other alternatives.

Should the National Park Service determine that the cost of boat access would be prohibitive, or unfeasible for historic interpretation purposes related to comprehensive combined tours of Dungeness and Plum Orchard, then the National Park Service may consider providing access via the potential wilderness segment of Grand Avenue, preferably by non-motorized vehicle. If the National Park Service determines that visitor access must be provided via Grand Avenue by motorized vehicle, it may do so until feasible, non-motorized alternative access can be provided. The Committee does not intend that any motorized vehicle use of Grand Avenue should become a traditional or "established" use, as such term is used in the Wilderness Act, and all such use shall be discontinued no later than the expiration of the last private, retained right to use any segment of the road. The Committee desires to be kept advised of the development of plans for access to Plum Orchard, and desires to be informed in writing of new access plans before they are implemented.

Administrative Use of Park Service Vehicles during the time when reserved rights are outstanding in the wilderness area

The House Report expresses on page 5 the Committee's intent that during the period when the island's primitive roads continue to exist for honoring retained private rights, . . ."the National Park Service may utilize these access ways for emergency purposes." (Emphasis in original) Language expanding upon this authority may be added in the Senate Committee Report in order to clarify the extent to which the Park Service is authorized to drive vehicles in these areas during the period of outstanding retained rights. The following language is suggested (the first part is reprinted in the House Report):

Although portions of the island's existing primitive roads are included within the designated wilderness and potential wilderness areas, the Committee does not intend that while these access ways continue to exist for honoring retained private rights, the National Park Service may utilize these access ways for emergency purposes. The Committee intends that the National Park Service shall be permitted to respond in an adequate manner to any emergency that might occur within the designated wilderness or potential wilderness.

> Until all such private rights expire or are terminated, National Park Service access within the designated wilderness and potential wilderness also will be permitted for essential law enforcement, and for administrative purposes necessary to meet minimum requirements for the administration of these areas as wilderness. The Committee intends that, wherever feasible, the use of non-motorized conveyance is preferred to the use of motorized conveyance.

Maintenance of the Utility Line

The House Report provides on page 6 that existing utility lines may continue to be maintained by the minimum necessary tools so long as the retained rights which require their existence remain. It seems appropriate that the wording might be changed to "minimum practical tools" providing that it was the National Park Service that determined what constitutes "practical". Suggested language is as follows:

> Existing utility lines may continue to be maintained by the minimum practical tools so long as the retained rights which require their existence remain. The Committee intends that the National Park Service be responsible for determining what constitutes the minimum practical tool each time a maintenance activity is proposed.

Maintenance of Navigation Aids

The House Report does not address the issue of the maintenance of channel markers and aids to navigation. Suggested language for the Senate Report follows:

> It is the intent of the Committee to allow for the continuation of the operation and maintenance of necessary navigation aids, dredging ranges and survey markers including those intended to assure proper alignments for the maintenance and use of Kings Bay navigation channel. The agency responsible for these aids will consult with the National Park Service prior to taking actions other than routine maintenance within the wilderness and potential wilderness areas established by this Act.

Senator WALLOP. Thank you, Mr. Snodgrass.
Mr. Neuhauser?

STATEMENT OF HANS N. NEUHAUSER, COASTAL DIRECTOR, THE GEORGIA CONSERVANCY, ATLANTA, GA.

Mr. NEUHAUSER. I appreciate the opportunity to appear before you to present testimony in support of Senator Mattingly and Senator Nunn's bill to designate certain lands in the Cumberland Island National Seashore as wilderness. My testimony is being presented on behalf of The Georgia Conservancy, a citizen's membership organization actively promoting the maintenance and improvement of Georgia's environmental quality. Our membership includes more than 4,000 individuals, families, corporations and groups.

Before proceeding with my testimony on the legislation, I would like to express my thanks to the chairman of the subcommittee for expediting the scheduling of this hearing today. It is our hope that you will continue to provide for expeditious action on this measure.

The suitability and scope of wilderness designation for part of Cumberland Island has been carefully considered since 1972, when the Congress established the Cumberland Island National Seashore and directed the Secretary of the Interior to recommend lands suitable for preservation as wilderness.

The legislation before you is a result of that 10-year process. It represents a carefully developed plan for the island, and one that is enthusiastically supported by the Georgia Conservancy.

We support Senate bill 2569 and urge its prompt passage by the subcommittee.

It is our recommendation that the subcommittee make only those minor typographical changes in S. 2569 necessary to make it

identical to section 2 of Senate bill 1119 as amended and passed by the House of Representatives on December 15, 1981. In our view, no further changes are necessary in the legislation.

In the process of considering the Cumberland Wilderness legislation now before the Senate, a number of points and questions have been raised both by subcommittee staff and by Under Secretary of the Interior, Donald Paul Hodel, in an April 9, 1982, letter to Senator McClure. In the hope that we can help the subcommittee quickly resolve the issues raised, I am submitting comments and recommendations on the following points: the use of the road between Plum Orchard and Stafford Place, the administrative use of vehicles by the National Park Service during the time when reserved rights are outstanding in the wilderness area, the maintenance of the utility line, the maintenance of navigation aids, the future of High Point and Half Moon Bluff, a relationship with Kings Bay, and intertidal lands.

This concludes my oral testimony. I will be glad to try to answer any questions that you might have.

Senator WALLOP. Thank you, Mr. Neuhauser, and thank you all.

[The attachment to Mr. Neuhauser's statement follows:]

The Road between Plum Orchard and Stafford Place

The language contained on pages 5 and 6 of the House Committee Report (No. 97-383) is recommended as an appropriate compromise for the resolution of this issue. In essence, the language provides Congressional guidance on it's preferences for access routes and mechanisms to Plum Orchard but gives the National Park Service discretion in finally determining how access will be provided. The relevant language from the House Report is reprinted below; the same wording is suggested for the Senate Report.

> The Plum Orchard mansion and grounds have been excluded from designation as wilderness or potential wilderness. That portion of Grand Avenue from Plum Orchard Mansion to the southernmost wilderness boundary is designated as potential wilderness, and any part of it is intended to change to wilderness classification at such time that all retained rights for use of such road segments expire.
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> In order that boat access be provided at minimum cost, the Committee instructs the National Park Service to carefully study the possibility of the use of National Park Service boats already in use at the Seashore, the use of a suitable boat provided by donation, the use of volunteer labor to make docking facilities acceptable for safe and convenient visitor access, and other alternatives.
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> Should the National Park Service determine that the cost of boat access would be prohibitive, or unfeasible for historic interpretation purposes related to comprehensive combined tours of Dungeness and Plum Orchard, then the National Park Service may consider providing access via the potential wilderness segment of Grand Avenue, preferably by non-motorized vehicle. If the

National Park Service determines that visitor access must be provided via Grand Avenue by motorized vehicle, it may do so until feasible, non-motorized alternative access can be provided. The Committee does not intend that any motorized vehicle use of Grand Avenue should become a traditional or "established" use, as such term is used in the Wilderness Act and all such use shall be discontinued no later than the expiration of the last private, retained right to use any segment of the road. The Committee desires to be kept advised of the development of plans for access to Plum Orchard, and desires to be informed in writing of new access plans before they are implemented.

Administrative Use of Park Service Vehicles during the time when reserved rights are outstanding in the wilderness area

The House Report expresses on page 5 the Committee's intent that during the period when the island's primitive roads continue to exist for honoring retained private rights,..."the National Park Service may utilize these access ways for emergency purposes." (Emphasis in original). Language expanding upon this authority may be added in the Senate Committee Report in order to clarify the extent to which the Park Service is authorized to drive vehicles in these areas during the period of outstanding retained rights. The following language is suggested (the first part is reprinted from the House Report):

Although portions of the island's existing primitive roads are included within the designated wilderness and potential wilderness areas, the Committee does intend that while these access ways continue to exist for honoring retained private rights, the National Park Service may utilize these access ways for emergency purposes. The Committee intends that the National Park Service shall be permitted to respond in an adequate manner to any emergency that might occur within the designated wilderness or potential wilderness.

Until all such private rights expire or are terminated, National Park Service access within the designated wilderness and potential wilderness also will be permitted for essential law enforcement, and for administrative purposes necessary to meet minimum requirements for the administration of these areas as wilderness. The Committee intends that, wherever feasible, the use of non-motorized conveyance is preferred to the use of motorized conveyance.

Maintenance of the Utility Line

The House Report provides on page 6 that existing utility lines may continue to be maintained by the minimum necessary tools so long as the retained rights which require their existence remain. It seems appropriate that the wording might be changed to "minimum practical tools" providing that it was the National Park Service that determined what constitutes "practical". Suggested language is as follows:

Existing utility lines may continue to be maintained by the

minimum practical tools so long as the retained rights which require their existence remain. The Committee intends that the National Park Service be responsible for determining what constitutes the minimum practical tool each time a maintenance activity is proposed.

Maintenance of Navigation Aids

The House Report does not address the issue of the maintenance of channel markers and aids to navigation. Suggested language for the Senate Report follows:

> It is the intent of the Committee to allow for the continuation of the operation and maintenance of necessary navigation aids, dredging ranges and survey markers including those intended to assure proper alignments for the maintenance and use of the Kings Bay navigation channel. The agency responsible for these aids will consult with the National Park Service prior to taking actions other than routine maintenance within the wilderness and potential wilderness additions areas established by this Act.

The Future of High Point and Half Moon Bluff

Although the High Point and Half Moon Bluff areas are part of a larger Historic Zone listed on the National Register, there is substantial evidence to support the view that the structures in the two compounds are not sufficiently significant to warrant either expending federal funds to maintain them or leaving them as intrusions in the proposed wilderness area. Until the National Park Service has conducted a professional review of the historic significance of the structures and has balanced their significance with the values of the wilderness, it is inappropriate to determine the fate of these structures.

If, as a result of the Park Service's professional evaluation, it is determined that one or more of the structures is of sufficient importance to be stabilized and preserved, and if that judgement is affirmed by the Congress through the appropriation of monies for the structure's maintenance, then the structure(s) would be allowed to remain. In this event, the potential wilderness designation would continue for as long as the nonconforming structure were present.

Any structure deemed to be of sufficient significance to warrant maintenance can be maintained adequately under the management policies and procedures of the National Park Service. Further, the House Committee Report (No. 97-383) notes that..."the Committee intends that the National Park Service shall be permitted to respond in an adequate manner to any emergency that might occur within the designated wilderness of potential wilderness".

On the other hand, if the Park Service's evaluation determines that the structures are not significant enough, then the structures would either

be removed or allowed to deteriorate. When the condition of the land becomes such that the wilderness criteria are met, the designation of the land would change from potential wilderness to wilderness. Such a change would be automatic, and would not require further legislative action by the Congress.

Because the map accompanying the legislation identifies the High Point and Half Moon Bluff compounds as potential wilderness, there is no need to modify the legislation to conform to the above evaluation plan.

Relationships With Kings Bay

The restrictive easements held by the U.S. Navy on properties lying within the boundaries of Cumberland Island National Seashore are part of the explosive safety radius that has been established around the nuclear submarine mooring facility at Kings Bay. The intent of the easements are to protect human life from a potential explosion of the propellant fuel for the Trident and related missiles. Thus, wilderness designation of the areas under easement reenforces the protection afforded by the explosive safety radius.

Section 4d (1) of the Wilderness Act provides for the use of aircraft within wilderness areas where such use has already become established. The use of aircraft is subject to such restrictions as the Secretary of the Interior* deems desirable. As military overflights are in established use, we would not expect the practice to stop.

Intertidal Lands

We recommend that the Committee clearly state that the intertidal lands north of Greyfield on the western side of the island and north of Stafford Beach Road on the eastern side of the island are in potential wilderness; at present the intent is ambiguous. We ask the Committee to state further its intention to have these lands immediately incorporated into the National Wilderness Preservation System upon action by the State of Georgia transfering ownership of those lands to the National Park Service.

Such language will provide strong assurance to the State of Georgia that the marshes and beach will receive protection equal to or better than the current situation.

*The Wilderness Act refers to the Secretary of Agriculture; the House-passed legislation for Cumberland changes the authority to the Secretary of the Interior.

Senator WALLOP. I would say, I would be inclined to have in our report generally approving language of the kinds of vehicular use that were described by Director Dickenson. Without getting too much further into it, but the description that he gave of the use that they have would not seem to be of particular conflict with the purposes for which it's trying to be set aside.

I'm not particularly in favor of either new construction or a lot of new requirements at this moment. It seems to me the most appropriate thing to do is to get on with it.

I appreciate the statement that you want the language to conform, and that's easily done. That would be no problem.

We'll study it before we make our suggestions for the report, but my inclination is to accommodate the uses as they are suggested.

I appreciate very much the fact that you took the time and trouble to come all the way up here and testify. You can be sure that we have at no time sought to delay this. We merely follow process which I think is important.

Thank you very much.

That would appear to conclude all the witnesses that are scheduled to appear, so the subcommittee stands adjourned.

[Whereupon, at 11:10 a.m., the hearing was adjourned.]

APPENDIX

Additional Material Submitted for the Record

STATEMENT BY SENATOR JAKE GARN

ON S. 705

Mr. Chairman:

I appreciate the opportunity to voice my strong support for S. 705.

In my state, few federal laws have proven to be more inflexible to public land users or administrators of public land laws than Section 206--the exchange provision of the Federal Land Policy and Management Act, PL 94-579.

In most instances, the problem with Section 206 centers upon trespass cases involving small parcels of land where private improvements have been made on public lands or conversely, cases where federal agencies have improved roads and public facilities on adjacent private lands. In both instances, the usual cause of the trespass has stemmed from erroneous federal and private surveys, title searches, land descriptions, or a combination of all of these.

Typically, attempts to resolve minor trespass disputes under FLPMA have subjected federal agencies and private citizens both, to an exasperating, long, and usually futile exercise in paperwork. It has become a waste of time to even attempt such exchanges.

I cite as a specific example, the case of the Defa Ranch near the town of Hanna, in Duchesne County, Utah.

Mr. Defa's property, some 160 acres of land aquired originally through the Homestead Act, is surrounded by the Ashley National Forest. Over a period of 50 years, boundary markers, established in the 1920's, were removed by a series of natural events. Subsequently, an accurate property line description was never fully determined by the Forest Service. As a result, fences, cabins, and other improvements were inadvertantly constructed slightly within the National Forest boundary, with only the best guess of the Defa family serving as a guide. Conversely, the Forest Service constructed and proceeded to maintain a public road through Defa property without obtaining an easment. The lands were finally re-surveyed in the mid-ninteen seventies and at that time the afformentioned trespass violations were discovered. My Utah office became involved in this matter after the Ashley National Forest Ranger informed Mr. Defa and cabin owners holding leases on his property that survey results recently conducted, showed them to be in trespass. Since that time, and for over three years, my office has labored with the Forest Service and Mr. Defa to try to invoke provisions of Section 206 of PL 94-579 for purposes of conducting a land exchange. It was my hope that such an exchange would save Mr. Defa the tremendous expense involved in removing improvements in a mountainous terrain. That process, which began in the spring of 1979, has resulted in no substantive progress. Rather, it has subjected both the Forest Service and Mr. Defa to a mountain of bureaucratic red tape which both parties

wish they could have avoided. I submit for the record, a copy of a tedious, 35 step Forest Service Flow Sheet required under FLPMA, that even the Forest Service admits is a nightmare to try and accomplish. This is especially true when one considers the small number of square feet involved in this proposal.

Mr. Chairman, the truth of the matter remains that this particular exchange of which I have just spoken, and some 60,000 like it will never take place unless the legislation embodied in S. 705 is enacted into law. The proposal by Senator Dominici is timely and is badly needed. This legislation is supported by the Forest Service and has widespread support among private landowners in the West. It will go a long way toward providing greater operating efficiency within the Forest Service.

I recommend only that on page 3, line 7 of the bill, the words "or private", be inserted before the word survey. This will broaden the legislation to include surveys which were erroneously conducted by private concerns in addition to those conducted by the federal government.

DEER TRESPASS
(Exchange Name)

5-30

Agency: [illegible] State: Utah Proponent: Atlantic Deer BLM Serial Number:

Action Steps	Date Due	Responsibility	Date Accomplished
Statement of Intent (Exchange Offer)	Done	—	—
Preliminary Estimate of Value	Done	—	—
Preliminary Exchange Report	4-10-81	D. Black	4-8-81
Preliminary Title Report	5-30-81	D. Black	
Preliminary Approval	4-15-81	R.O.	
Notification to Permittees	4-30-81	P. Peterson	
Publication	6-30-81	Black	
Protests	7-30-81	Hansen/Peterson	
BLM Serialization	5-15-81	R.O.	
USGS Mineral Report	5-30-81	R.O.	
USGS Water Report	5-30-81	R.O.	
Withdrawal Revocation	5-31-81	S.O. & R.O.	
Forest Service Mineral Report	4-30-81	J. Lowe	
Archeology Clearance	4-30-81	MLAZOVERY	
Rare and Endangered Clearance	4-30-81	LINDQUIST	
E.O. 11988 (Flood Plain) Clearance	4-30-81	T. Burton	
E.O. 11990 (Wetlands) Clearance	4-30-81	Beard/Green	
County Notification	5-30-81	D. Black	
A-95 State Clearinghouse	5-30-81	Black/Watson	
EA and Justification	Done	D. Black	3-13-81
Request Approval to Convey Minerals	5-15-81	R.O	
Appraisal Report	6-30-81	R.O	
Appraisal Review	7-15-81	R.O.	
Surveys for Reservations	7-30-81	Hansen	
Preparation of Easements on Selected	N/A	R.O	
Modification to Statement of Intent	7-15-81	So./R.O.	
FONSI and Decision Statement	8-15-81	R.O.	
Preliminary Title Opinion and Closing Inst.	6-30-81	R.O.	
Cash Equalization	9-30-81	R.O.	
Patent Request	8-30-81	R.O.	
Exchange of Deeds and Patent	9-15-81	Black/Peterson	
Convey Easement Deeds	N/A	Black	
Record Deeds	9-30-81	Black	
Obtain Title Policy	9-30-81	Black	
Final Title Opinion	10-30-81	R.O.	

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PLEASE RESPOND TO:
WASHINGTON OFFICE:
☐ 1504 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-3801
☐ 1982 JUN 22 PM 4:57
32 PEACHTREE STREET
ATLANTA, GEORGIA 30303
(404) 685-0207

WYCHE FOWLER, JR.
5TH DISTRICT, GEORGIA

COMMITTEE ON
WAYS AND MEANS

SELECT COMMITTEE ON
INTELLIGENCE

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 18, 1982

Honorable Malcolm Wallop
Chairman
Subcommittee on Public Lands
and Reserved Water
3204 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

On June 24, your subcommittee will be considering S. 2569, legislation to designate the majority of the Cumberland Island National Seashore as wilderness. As a co-sponsor of this legislation in the House, I want to let you know of my strong support for the measure and urge your favorable consideration of S. 2569.

I have joined many of my fellow Georgians in traveling to the island to experience and enjoy its unspoiled beauty, and it is my sincere hope that future generations will also have the opportunity to journey to this tranquil barrier island and take delight in watching the wildlife that inhabit the area.

The beauty of Cumberland Island should be protected and preserved, and I hope your subcommittee will approve this legislation to ensure that this area is safeguarded for years to come.

Thank you for your attention to this matter.

Sincerely,

Wyche Fowler

WYCHE FOWLER, JR.
Member of Congress

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COMPASS

COUNCIL OF MAPPING, PHOTOGRAMMETRY, AND SURVEYING SOCIETIES

105 North Virginia Avenue · Falls Church, Virginia 22046 · (703) 536-8320
W.A. Radlinski, Executive Manager

June 23, 1982

Senator Malcolm Wallop, Chairman
Senate Subcommittee on Public Lands and
Reserved Water
3204 Dirksen Senate Office Building
Washington, D. C. 20510

Dear Mr. Chairman:

The American Congress on Surveying and Mapping (ACSM) and the American Society of Photogrammetry (ASP) wish to make these comments part of the record of your hearing on June 24, 1982, on S. 705, a bill to authorize the Secretary of Agriculture to convey certain National Forest System lands.

ACSM and ASP, together with state affiliates, represent more than 33,000 professionals in the fields of surveying, cartography, photogrammetry and remote sensing. Our membership includes individuals involved in the profession in both private practice and public service.

We support S. 705 and urge prompt enactment. The Secretary of Agriculture should have a degree of latitude and flexibility in dealing with conveyances necessary as a result of innocent encroachment, erroneous surveys or unneeded federal rights-of-way. S. 705 will help resolve these problems through simple administrative procedures and relieve Congress of the time-consuming burden of addressing these situations with private or special bills.

It is imperative, however, that the Committee recognizes that S. 705 treats a symptom of National Forest System boundary problems. The bill does not resolve the problem itself. If the Committee were to report S. 705 without amending it to include the provisions of Senator Domenici's related bill, S. 706, the Federal Land Survey Act, or without promptly considering the latter bill, the Committee would be proposing a "cosmetic" solution to federal land survey and conveyance problems. We urge action on both S. 705 and S. 706.

In its report on S. 705 (S. Rept. 97-332), the Senate Committee on Agriculture, Nutrition, and Forestry included a statement from the Department of Agriculture which stated:

> "It is our understanding that introduction of S. 160 (a similar "small tracts bill" upon which the Committee was requesting comments along with S. 705) was prompted by a specific case on the Lincoln National Forest at Cloudcroft, New Mexico. The

> Bureau of Land Management, acting at the request of the Forest Service, began a resurvey of a portion of the National Forest boundary in 1967, established property lines and erected corner monuments to replace those of the public land survey established in the 19th century but not found at the time of resurvey. This survey was temporary in that it was not recorded and the monumentation not certified. Ten years later, the Bureau of Land Management, seeking to complete the 1967 survey, found the original survey monuments which were in a different location than those of the 1967 survey. The Federal surveyors then removed the 1967 survey monuments. In the 1967-1977 period, however, private surveyors used the temporary, uncertified monuments to survey private lands adjoining the National Forest Boundary. These surveys were the basis for subdivision and sale of private lands. Subsequently, privately owned improvements have been erected on this land which are now considered to be encroaching upon Federal land." (Emphasis added).

The USDA report goes on to say this is a very limited problem and that "there are very few known instances where an incomplete Federal land survey has caused an incorrect private survey and subsequent encroachment upon Federal land." We respectfully disagree with USDA's view of the scope of this problem. As we indicated in our testimony on S. 706, untimely completion of surveys by BLM has created problems for the Forest Service, and other agencies, including the Corps of Engineers. The Merrimac Reservoir in Missouri and the Shelbyville Reservoir in Illinois are two glaring examples of situations in which incomplete, erroneous and uncertified BLM surveys have adversely affected private property owners, and there are many others.

Private property owners should not be subjected to the ten year delay which occurred at Cloudcroft. Had this situation occurred just once, it would have been once too often. Unfortunately, this uncertainty and untimeliness of certification of BLM surveys has occurred more than once and legislation is needed, not only to remedy existing problems, but also to prevent other private property owners from being subjected to the same bureaucratic insensitivity and delay as those at Cloudcroft.

ACSM-ASP is grateful to Senator Domenici for introducing S. 705 and S. 706, and we commend the Committee for its attention to the Federal land survey problem. A hearing on S. 706 was held on February 11, 1982, and since that time ACSM-ASP has worked in the spirit of cooperation with BLM to develop reasonable legislation to prevent future situations like those which led to the introduction of S. 705. We urge the Committee to amend this bill to include the revised provisions of S. 706, or promptly schedule mark-up of S. 706 itself.

Thank you for your consideration of our views.

Sincerely,

Paul B. Lapham pbl

Paul B. Lapham, Chairman
Joint Legislative Affairs Committee

NPCA

STATEMENT OF T. DESTRY JARVIS
DIRECTOR OF FEDERAL ACTIVITIES
NATIONAL PARKS & CONSERVATION ASSOCIATION
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
U.S. SENATE
ON S.2569

June 24, 1982

Mr. Chairman and other distinguished Members of the Subcommittee:

I am T. Destry Jarvis, Director of Federal Activities, with the National Parks and Conservation Association. On behalf of NPCA's 35,000 members, I appreciate this opportunity to testify here today on S.2569, a bill that would designate certain areas as wilderness in Cumberland Island National Seashore.

This year marks the tenth anniversary of the Act establishing Cumberland Island National Seashore to preserve its scenic, scientific, and historic values. It is now more than appropriate to honor this anniversary with the passage of this legislation setting aside 8,840 acres of wilderness and 11,718 acres of potential wilderness in Cumberland Island National Seashore. We strongly advocate such an action.

Wilderness designation will symbolize a significant achievement as well as a promising beginning. The 1972 Act establishing the Cumberland Island National Seashore required that a study of wilderness potential be conducted. Cooperation and communication involving the federal government, state and national organizations, and concerned private individuals have made possible the discussion being heard today. A serious commitment to preserve the wild and dynamic forces at work on Cumberland Island through the designation of wilderness areas would strengthen the intent of Congress in creating the seashore:

> "Except for certain portions of the seashore deemed to be especially adaptable for recreational uses... the seashore shall be permanently preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatable with the preservation of the unique flora and fauna or the physiographic conditions now prevailing..."

National Parks & Conservation Association, 1701 Eighteenth Street, N.W., Washington, D.C. 20009
telephone (202) 265-2717

You will undoubtedly hear many excellent descriptions of Cumberland Island and its attributes. They can be easily looked upon as mere repetition, but they more importantly serve to underscore and emphasize the unusual beauty and fragile ecology of the island. In our considered opinion, Cumberland Island unquestionably enjoys the highest wilderness character of any of the nine national seashores on the Atlantic and Gulf coasts.

As long ago as 1955, the National Park Service completed a survey of the east and gulf coasts. It concluded that Cumberland Island was one of two outstanding seashore resources remaining close to its natural state. Cumberland is one island in a chain off the Georgia coast to which Southerners refer as the Golden Isles. Cumberland has been described as "the largest and on balance, finest in Georgia's barrier chain (and) can well be called the Goldern Isle of Natural History. The most important lessons it has to teach, the greatest beauties it offers are ecological ones."

Four individual ecosystems exist in an area totalling only about 28,000 acres. On the eastern edge, the Atlantic Ocean greets a beach that eventually gives rise to broad, white, sandy dunes. Further west, an oak-palmetto forest decorated with garlands of spanish moss predominates and salt marshes take over on the western boundary.

Abundant and varied wildlife inhabit the island including white-tailed deer, racoons, minks, marsh rabbits, gray squirrels, shore birds, and diamond backed terrapins (tortoises). Four endangered species seek a haven on the island. These are alligators, southern bald eagles, brown pelicans, and red cockaded woodpeckers. Other island fauna includes the Anastasia Island Cotton Mouse, the Cumberland Island pocket gopher, loggerhead turtles, egrets, and herons.

With regard to the bill itself, the proposed intent for intertidal boundaries is somewhat vague. We would like to suggest to the committee that it should be more clearly stated that intertidal lands north of Stafford Beach Road on the eastern side and north of Greyfield on the western side are a potential wilderness area. Upon transfer of these lands from the state of Georgia to the National Park Service, we would request that the committee make clear that these lands are to be included in the wilderness area.

Finally, NPCA was originally opposed to the classification of the Island as a National Seashore because of the recreation priority that was then given to such areas. We felt that a classification system oriented more toward wilderness preservation was necessary. The Cumberland Island National Seashore Project subsequently deter-

mined in 1974, that "The island should be experienced as a natural system; man should be an integral part of that system rather than the central, dominating figure." Designating wilderness areas in the northern section of the island will address this without eliminating the possibilities for more intense, but still limited recreation activities in the southern section of the island. The north, least affected by man, is most suitable for wilderness designation.

The designation of a wilderness area in Cumberland Island National Seashore is of paramount importance to this park unit and the entire National Park System.

Thank you again for this opportunity to comment on this important piece of legislation.